

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO

Petitioner :

and :

TOWN OF CONWAY, NEW HAMPSHIRE

Employer :

CASE NO. P-0731  
DECISION NO. 80028

APPEARANCES

Representing IUPA:

William E. Lavash, Executive Vice President, IUPA  
Leon E. Shackley, President, Conway Police Association  
Robert J. Mullen, Conway Police Association

Representing the Town of Conway:

Peter G. Hastings, Esquire, Counsel  
Donald Lance, Jr., Chief  
Maurice Frechette, Police Commissioner

BACKGROUND

On June 2, 1980, the International Union of Police Associations, AFL-CIO, filed a petition for certification of a proposed bargaining unit composed of all full time and part time employees of the Conway police department, excluding civilians and commissioners.

The Town, through its Counsel, Peter Hastings, objected to the proposed unit as being faulty and without merit.

A unit determination hearing was held in the Board's office on July 3, 1980. Written evidence and oral testimony was presented by the parties on the supervisory, probationary and "on call" status of many of the employees.

FINDINGS OF FACT


1. The Town of Conway is a "municipal employer" within the meaning of the statute.

2. The Town employs on an irregular basis five (5) special police officers who do not qualify as public employees under RSA 273-A:1, X, (d) and the parties mutually agreed on their exclusion.
3. The Town has a full time police department which meets the minimum requirement under 273-A:8, I, (d) and includes ten (10) patrolmen and four (4) sergeants.
4. The sergeants, although each in charge of specialized duties; such as, equipment maintenance, service training and firearm training, do not possess the degree of supervision over the patrolmen to warrant their exclusion under 273-A:8, II.
5. The sergeants cannot hire, fire, lay off, recall, promote, discharge, etc. other employees of the department. While they can "recommend", final authority for such action is vested in the Chief and the Police Commission.
6. Although there is some involvement in the budgetary process as part of the sergeants' duties, the Board does not deem this to be of a nature that would make membership in or representation by a union incompatible with their duties.
7. All policy for the operation of the police department is under the total control of the police commission.

DECISION AND ORDER

After careful review of the evidence presented at the July 3, 1980 hearing, the Board accepts the petition filed by IUPA on behalf of the employees of the Conway Police Department and orders:

- A. The bargaining unit to include all full-time patrolmen and sergeants in the department.
- B. A pre-election and election to be held as expeditiously as possible.

  
EDWARD J. HASELTINE, CHAIRMAN

Signed this 31st day of July, 1980.

Chairman Haseltine presiding. Members Mayhew and Osman voting in favor of the petition, Member Hilliard abstaining. Also present, Executive Director Evelyn C. LeBrun.

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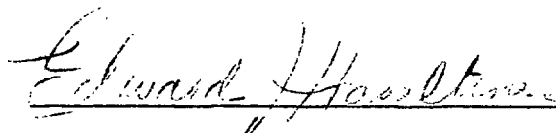
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REHEARING REQUEST

ORDER DENYING PETITION FOR REHEARING

On July 31, 1980, the Board entered a decision wherein they stated: that the petitioner, International Union of Police Association, AFL-CIO, had complied with the requirements of RSA 273-A, and created a bargaining unit to include all full-time patrolmen and sergeants in the Town of Conway, New Hampshire.

Further, the Board at its hearing held August 14, 1980, unanimously denied the rehearing request filed by Attorney Peter G. Hastings on behalf of the Town of Conway and orders an election held to determine if the employees of the Police Department, patrolmen and sergeants, wish to be represented by IUPA for the purpose of collective bargaining.

  
EDWARD J. HASELTINE, Chairman

By unanimous vote. Chairman Haseltine presiding, members Hilliard and Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.

Signed this 26th day of August, 1980.